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China, People's Republic of

Food and Agricultural Import Regulations and Standards

Entry Plant and Plant Product Risk Analysis

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Report Highlights:

This is an UNOFFICIAL translation of the People's Republic of China Provisions for Entry Plant and Plant Product Risk Analysis and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

Provisions for the Administration of Risk Assessment of Entry Plants and Plant Products have been deliberated and adopted as Decree No. 41 at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ) on December 19, 2002. These provisions were signed by the AQSIQ Director General on December 31, 2002 and shall go into effect from February 1, 2003.

Provisions for the Administration of Risk Analysis of Entry Plants and Plant Products

Chapter I General Provisions

Article 1

In order to prevent the spread of harmful biological substances of plants subject to quarantine into China, safeguard the safety of agricultural and forestry production, these provisions are enacted in accordance with the People's Republic of China Law on the Entry and Exit Animal and Plant Quarantine and its implementation provisions and with reference to the Agreement on Sanitary and Phytosanitary Measures (SPS agreement) of the World Trade Organization (WTO) and the International Plant Protection Convention (IPPC).

Article 2

These Provisions apply to the risk analysis for plants, plant products and other harmful biological substances subject to plant quarantine that enter China.

Article 3

AQSIQ shall administer, in a unified manner, the risk analysis work of entry plants and plant products and other materials subject to quarantine.

Article 4

Risk analysis shall be conducted in accordance with the stipulations of the Chinese laws and regulations, and shall observe the following principles:

- (1) With science as its basis;
- (2) Observing the relevant international plant quarantine standards, norms and recommendations formulated by the IPPC organization;
- (3) Observing transparent, open and non-discriminating principles;
- (4) Minimizing a negative impact on trade

Article 5

When the relevant international standards, norms and recommendations fail to satisfy the protection level for the production of agriculture, forestry, and the ecological environment of China, AQSIQ may, in accordance with risk analysis results, adopt scientific measures more stringent than the relevant international standards, norms and recommendations.

Article 6

Risk analysis of harmful biological materials includes: conducting risk analysis, risk assessment, and risk control.

Article 7

A risk analysis report should be produced after the completion of risk analysis. The risk analysis report should be submitted to the China Entry and Exit Animal and Plant Quarantine Risk Analysis Committee for deliberation.

Chapter II Activation of Risk Analysis

Article 8

Under any of the following circumstances, AQSIQ may initiate the risk analysis when:

- (1) The official plant quarantine department of a country or region submits an application for exporting certain plants, plant products and other materials subject to China's quarantine for the first time;
- (2) The official plant quarantine department of a country or region submits an application to China for removing the prohibition on materials entry;
- (3) A domestic unit or individual needs to introduce plants that are prohibited from entry for the purpose of special requirements for scientific research;
- (4) China's CIQ finds harmful biological materials from entry plants, plant products and other materials subject to quarantine that are likely to pose a threat to the safety of China's agricultural and forestry production or to the ecological environment;
- (5) Harmful material is discovered abroad and it is likely to pose a potential threat to the safety of China's agricultural and forestry production or ecological environment;
- (6) Revising the People's Republic of China Catalog on Dangerous Diseases, Pests and Weeds of Entry Plant Quarantine, the Catalog of Plant Quarantine Prohibited from Entry, or making major adjustments to the pertinent plant quarantine measures;
- (7) Other circumstances in which risk analysis has to be conducted.

Article 9

When a country or a region applies for the first time to export plants, plant products or other materials subject to quarantine, or applies to China for removing the restrictions on entry prohibition, its official quarantine department should submit a written application to AQSIQ, and provide necessary technical materials for conducting risk analysis.

Article 10

AQSIQ should, according to the time of application submitted by the exporting country or region, the completeness of technical materials provided, changes of plant disease conditions and the administration on inspection and quarantine, decide the process for conducting risk analysis.

Article 11

When a domestic unit or an individual needs to import plants prohibited from entry for scientific research and special purposes, it should submit an application and provide necessary technical materials.

Article 12

When any of the circumstances specified in sub-paragraphs (4), (5) or (6) of Article 8 of these provisions, AQSIQ shall automatically activate risk analysis procedures.

Article 13

When risk analysis procedures are activated, it should be verified whether or not the product had been subject to similar risk analysis. If risk analysis had already been conducted, its validity should be verified according to new circumstances; if the original risk analysis is proven to be still valid, no new risk analysis should be conducted.

Chapter III Risk Assessment

Article 14

A risk assessment should be conducted through qualitative or quantitative methods, or a combination of the two.

Article 15

Risk assessment means the process of determining whether or not materials are harmful biological materials subject to quarantine, and assessing the possibility of spread and distribution, as well as the potential economic impact.

Article 16

The following factors should be taken into consideration when determining if materials are harmful biological materials subject to quarantine:

- (1) The category status of harmful biological materials and information about the occurrence, distribution, harm, and control in China and abroad;
- (2) The possibility of dissemination and spread;
- (3) The possibility of unacceptable economic (including environmental) impacts.

Article 17

The spread assessment should take into consideration the following factors:

- (1) The dissemination channels, the possibility of survival during the transportation or warehousing period, the possibility of survival under the existing administrative measures, the possibility of spreading to suitable hosts, whether or not there is suitable host, dissemination medium, environmental adaptability, planting technology and control measures;
- (2) The natural spread, natural obstruction, the possibility of spreading across commodities or by means of transport, commodity use purposes, dissemination medium, and natural enemies.

Article 18

The potential economic impact assessment should take into consideration the following factors:

- (1) Direct impact of the harmful biological materials: categories, quantity, and frequency of harm to host plants, loss of output, biological and non-biological factors affecting the losses, the rate of spread and multiplication, control measures, effects and costs, the impact on method of production and environmental impact;
- (2) Indirect impact of harmful biological materials: impact on the domestic and export markets, changes in costs and input demands, quality changes, environmental impact of the preventive and control measures, possibility and costs for elimination or blockade, resources needed for research and social impact.

Article 19

AQSIQ may, in accordance with the need for risk analysis, require the official quarantine organs of the exporting countries or regions to supplement, confirm or clarify relevant technical information. AQSIQ may send technical personnel to the exporting countries or regions for quarantine inspection, also. Whenever necessary, quarantine experts from the two sides may jointly conduct technical exchanges or joint research.

Chapter IV Risk Control

Article 20

AQSIQ should take risk control measures appropriate to the protection level for China in accordance with the risk assessment results. The risk control measures should be reasonable, effective, and feasible.

Risk control means the decision making process of assessing and choosing how to reduce the spread and distribution risks of harmful biological materials subject to quarantine.

Article 21

Risk control measures include: the name list of harmful biological materials prohibited from entering the territory, the quarantine requirements to be met in the course of growing, harvesting, processing, warehousing, transporting, appropriate harm elimination treatment, restricting ports of entry, restricting the places of application after entry, isolation quarantine, or entry prohibition, etc.

Article 22

When a major epidemic disease occurs abroad and is likely to spread into China, or important harmful biological materials are found by the entry quarantine, AQSIQ may, in accordance with

the preliminary risk analysis, take direct temporary risk control measures, and collect relevant information or materials and afterwards, conduct further risk analysis.

Article 23

AQSIQ should, in drafting risk control measures, solicit opinions from relevant departments, industries, enterprises, experts, and WTO members, and should accept their reasonable opinions.

Article 24

AQSIQ should, after completing the necessary legal procedures, publicize the risk control measures, and report them to the WTO; and notify official plant quarantine organs of relevant exporting countries or regions whenever necessary.

Chapter V Supplementary Provisions

Article 25

Risk analysis of restricted harmful biological materials along with propagative seeds and seedlings that are not subject to quarantine into China should be executed with reference to these provisions.

Article 26

Explanations on Terminology

Plant prohibited from entry refers to plants, plant products, and other materials subject to quarantine specified in the Catalog of Plants of the People's Republic of China Prohibited from Entry into the Territory as well as those announced as prohibited from entering the territory.

Restrictive harmful biological materials not subject to quarantine refer to harmful biological materials, not subject to quarantine, that exist among the plants, threaten the anticipated purpose of use and likely to cause unacceptable economic impact, thus being restricted.

Article 27

AQSIQ shall be responsible for interpreting these Provisions.

Article 28

These Provisions shall go into effect from February 1, 2003.